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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,679	04/20/2001	Gary J. Sullivan	MS1-601US	1812
22801 7590 06/05/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER CZEKAJ, DAVID J	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 06/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/839,679	SULLIVAN, GARY J.	
	Examiner	Art Unit	
	Dave Czekaj	2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: On pages 10-11, applicant argues that MacInnis fails to disclose the application program interface that facilitates the use of a plurality of different accelerators. While the applicant's points are understood, the examiner respectfully disagrees. See for example MacInnis column 57, lines 20-35, wherein MacInnis discloses the accelerator is programmable so it can meet new and evolving requirements, indicating an interface is present. MacInnis further discloses in column 57, lines 40-44, that the interface may be based on many types of processors, indicating the use with a plurality of different accelerators. Therefore the rejection has been maintained.

On page 11, applicant argues that MacInnis fails to disclose generating one or more filter control command data structures. While the applicant's points are understood, the examiner respectfully disagrees. See for example MacInnis column 57, lines 30-35. There MacInnis discloses performing blending, scaling, blitting, and filling. The examiner notes that blending, scaling, blitting, and filling perform functions of a filter, that is, they modify the appearance of the image. Therefore the rejection has been maintained.

On page 11, applicant argues that the motivation is to general. While the applicant's points are understood, the examiner respectfully disagrees. Sriram discloses in column 2, lines 59-64, that a need exists within the prior art for an efficient decoder being flexible and functional. Therefore, the teachings of Sriram applied to the decoder of MacInnis provides a decoder which can easily and effectively facilitate the use of multiple processors. Therefore the rejection has been maintained.

On page 11, applicant argues that the modification would change the principle of operation. While the applicant's points are understood, the examiner respectfully disagrees. While a general overview of the references has been given, the principle of operation has not been identified. Therefore the rejection has been maintained.

On page 13, applicant argues that Sriram fails to disclose wherein the API is not specific to any particular application or accelerator. While the applicant's points are understood, the examiner respectfully disagrees. See for example Sriram column 8, lines 1-10. There Sriram discloses the monitor process, or API, dynamically decides that data to send to each application. The examiner notes that since this process is done dynamically, the monitor process, or API, is not specific to any of the individual applications or sub-processes. Therefore the rejection has been maintained.

On page 14, applicant argues that Sriram fails to disclose iteratively issuing configuration commands reflecting the alternative degrees and methods of decoding capability until choosing one that is acceptable to both the decoder and accelerator. While the applicant's points are understood, the examiner respectfully disagrees. See for example Sriram column 6 line 58- column 6, line 30. There Sriram discloses the process of argument passing. Argument passing is performed so that all data needed at a particular level is accessible to that level. Therefore, the commands, or requests, are iteratively received/sent for data so the decoder and accelerator and perform the necessary processing. Therefore the rejection has been maintained.

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